

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES VOGEL,

Plaintiff,

ORDER

v.

Civil No.: 05-2113 (MJD/RLE)

STATE OF MINNESOTA, ET AL.,

Defendants.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceeding herein,

IT IS HEREBY ORDERED THAT:

1. Petitioner's complaint [docket #1] is **DISMISSED**, but without prejudice, for failure to comply with this Court's Order dated September 15, 2005, and for failure to prosecute.

2. Petitioner's application to proceed in forma pauperis [docket # 2] is **DENIED AS MOOT..**

Dated: May 15, 2006

s / Michael J. Davis
MICHAEL J. DAVIS, Judge
United States District Court